

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TONY RAPATZ, ALICE GUERRA, and
KATHERINE GUERRA,

Plaintiffs,

vs.

Case No.: 12-CV-00827 JCH/SMV

CITY OF ESPANOLA;
ROBERT VIGIL, individually;
DANNY PACHECO, individually; and
CITY OF ESPANOLA EMPLOYEES and SUPERVISORS JOHN/JANE DOES 1 through 5,
individually,

Defendants.

UNOPPOSED MOTION TO EXTEND CASE MANAGEMENT DEADLINES

COME NOW the Plaintiffs, Tony Rapatz, Alice Guerra, and Katherine Guerra [hereinafter “Plaintiffs”] by and through their counsel, New Mexico Firm, LLC [Nathaniel V. Thompkins] and for their Unopposed Motion to Extend the Discovery Deadline, state as follows:

Plaintiffs’ counsel (Nathaniel Thompkins) contacted Defendants’ counsel (Robert Cole), via electronic mail (April 30, 2015) and by telephone (May 1, 2015), seeking Defendants’ position on the instant motion. Defendants’ counsel responded via e-mail on May 1, 2015, indicating that Defendants’ do not oppose the instant motion seeking to extend the discovery deadline by 180 days.

1. On November 20, 2014, the Honorable Judge Vidmar entered a Scheduling Order in this matter. [*Doc.146*];
2. The Scheduling Order provides certain case management deadlines which this motion seeks to extend and are set forth in paragraph no. 7 below;

3. On April 1, 2015, the Honorable Judge Stephan Vidmar issued an Interim Ruling on Plaintiffs' First Motion to Compel directed to Defendant City of Espanola [*Doc. 156*] with Respect to Request for Production No. 20. [See, *Doc. 169*];

4. Defendants were ordered to produce the confidential informant file by April 23, 2015. On April 23, 2015, Defendants' counsel advised the Court that the confidential informant file had been destroyed by Lt. Lopez [*Doc.175-1*];

5. On May 2, 2015, Plaintiffs filed two (2) motions. The first motion was for an in camera interview of Defendants Vigil and Pacheco as well as the confidential informant. [*Doc.174*]. The second motion was for sanctions for intentional spoliation of evidence [*Doc.175*];

6. Based upon the recent admission that Defendants' confidential informant file has been intentionally destroyed, Plaintiffs will need to conduct discovery on this matter which, it is anticipated, will go beyond the May 18, 2015 discovery deadline;

7. The following deadlines are requested to be vacated and extended by 180 days:

- a. VACATE the May 18, 2015 discovery termination date and EXTEND it to November 14, 2015;
- b. VACATE the June 8, 2015 deadline to file motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) and EXTEND it to December 5, 2015;
- c. VACATE the June 18, 2015 pretrial motions deadline and EXTEND it to December 15, 2015;
- d. VACATE the August 3, 2015 consolidated pretrial order date for Plaintiffs to Defendants and EXTEND it to January 30, 2016; and
- e. VACATE the August 17, 2015 consolidated pretrial order date for Defendants to Plaintiffs and EXTEND it to February 11, 2016.

8. A copy of a proposed Order Extending the Discovery Deadline is attached as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order vacating and extending the following deadlines by 180 days:

- a. VACATE the May 18, 2015 discovery termination date and EXTEND it to November 14, 2015;
- b. VACATE the June 8, 2015 deadline to file motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) and EXTEND it to December 5, 2015;
- c. VACATE the June 18, 2015 pretrial motions deadline and EXTEND it to December 15, 2015;
- d. VACATE the August 3, 2015 consolidated pretrial date for Plaintiffs to Defendants and EXTEND it to January 30, 2016; and
- e. VACATE the August 17, 2015 consolidated pretrial date for Defendants to Plaintiffs and EXTEND it to February 11, 2016.

RESPECTFULLY SUBMITTED:

By: /s/ Nathaniel V. Thompkins
Nathaniel V. Thompkins
103 St. Francis Drive, Unit A
Santa Fe, NM 87501
505-988-9750
Fax: (866) 657-8780
Email: nate@newmexicofirm.com
Attorney for Plaintiffs

I hereby certify that I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing this 6th day of May, 2015.

Robert L. Cole, Esquire: rlc@rcolelaw.com
Attorneys for the City of Espanola, et al.

/s/ Nathaniel V. Thompkins
Nathaniel V. Thompkins